

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, October 25, 2006, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, October 11, 2006 Worksession.

Action: Approved, (DLB/CLH, 5-0).

2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following cases:

(a) **A-6152, Petition of William Karas** (new single-family dwelling). Hearing held 9/13/06.

Action: Granted order extending time, (WMH/DLB, 5-0).

3. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire.

Action: (1) Re-opened the record to include the second status report from Mr. Brown; (2) granted request for further stay; (3) appellant to provide the Board with status reports on 1/15/07 and 4/1/07, (CLH/WMH, 4-0/AIF/recused).

4. **CBA-1174 and S-2503, Petition of Holton-Arms School, Inc.** (private educational institution and co-educational summer day camp). Letter to the Board from Diana Coulton Beebe, Head of School, with the additional information requested by the Board regarding the dates and meetings with the liaison committee.

Action: Re-opened the record to include the letter from Ms. Beebe with attachments, (DLB/CGT, 5-0).

5. **CBA-2077 [CBA-2077-A], Petition of Amoco Oil Company.** Letter to the Board from Susan Reutershan, Esquire, submitting an approved landscape and lighting plan. [Large exhibit: approved landscape and lighting plan].

Action: (1) Re-opened the record to include the letters from Ms. Reutershan with attachments; (2) granted the administrative modification; (3) dismissed the Show Cause Hearing, (WMH/CGT, 4-0/AIF/recused).

6. **CBA-2091-A [CBA-2091, S-155, S-342], Petition of Montgomery Square Swim Club** (community swimming pool). Letter to the Board from Hal Swaney regarding the signage on the special exception property.

Action: Request to DPS for inspection of the special exception, (DLB/CLH, 5-0).

7. **S-687-F [S-687-G], Petition of Bullis School, Inc.** (private educational institution). Letter to the Board from Soo Lee-Cho, Esquire, requesting an administrative modification. [Large exhibit: site plan].

Action: Granted the administrative modification, (DLB/WMH, 5-0).

8. **S-961, Petition of William E. Wallace, Jr.** (accessory apartment). Memorandum from Jerri M. Burgess, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the current occupant.

Action: Revoked the special exception as abandoned, (CGT/DLB, 5-0).

9. **S-992, Petition of Hezekiah Bailey, Jr.** (accessory apartment). Letter to the Board from Dalila Estrada requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (CLH/CGT, 5-0).

10. **S-1064, Petition of Leon Trager and Greentech Landscaping** (horticultural nursery and greenhouse). Letter to the Board from the petitioner requesting a refund of the transfer fee.

Action: Granted 100% (\$75.00) refund of the filing fee, (DLB/CLH, 5-0).

11. **S-1436, Petition Amoco Oil Company** (automobile filling station). Letter from Susan Reutershan, Esquire, notifying the Board the special exception property was rezoned which permits the special exception use as a matter of right. [Large exhibit: zoning vicinity map].

Action: (1) Revoked the special exception as the use is now permitted by right; (2) rescinded the Show Cause Hearing, (DLB/CLH/4-0/AIF/recused).

12. **S-1794, Petition of James H. and Barbara R. Sutter** (accessory apartment). Memorandum to the Board from John Whitt, Program Manager, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the trustee of the property.

Action: Revoked the special exception as abandoned, (CLH/WMH, 5-0).

13. **S-2222, Petition of Woodfield Country Market, LLC** (automobile filling station). Letter to the Board from the petitioner confirming the transfer of the special exception. Also included is a letter from Inja Kim, DWDB, LLC, requesting the transfer of the special exception.

Action: Item deferred for a future Worksession, consensus.

14. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, requesting a transfer of the special exception.

Action: (1) Reinstated the administrative modification adopted 10/5/05; (2) granted the transfer of the special exception; (3) re-opened the record to include the letters from Ms. Sears and Ms. Girard and Ms. Bailey, (DLB/CGT, 5-0).

15. **S-2588, Petition of Onkar Sharma and Rajesh Bhandari** (non-resident professional office). Letter from Paul Gordon, President, Forest Estates Community Association, requesting an inspection of the special exception.

Action: Request to DPS for inspection of the special exception for compliance with the zoning regulations, (WMH/CLH, 5-0).

### **DECISION ITEMS:**

16. **S-289-B, Petition of Little Falls Swim and Tennis Club** (community swimming pool) Fourth Supplemental Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation with conditions, (CLH/CGT, 4-0/AIF/recused).

### **PENDING ITEMS:**

17. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06].

18. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].

19. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5/4/05].

20. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2/18/04].

21. **S-1239, Petition of Ernestine and Jewel Johnson** (accessory apartment). Memorandum from John Whitt, Program Manager, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the petitioner requesting that the special exception be suspended and not revoked. Item deferred for confirmation that special exception holder resides in the house. [W/S 2/22/06].

**PENDING ITEMS (continued):**

22. **S-1884, Petition of Chakarat Sukachevin** (non-resident medical practitioner). Letter to the Board from Keith Rosa, Esquire, requesting a transfer and an administrative modification. (Large exhibits: landscape plan, front, right elevations and floor plans). Item deferred for additional information regarding landscaping and the stripping of the parking lot. [W/S 9/27/06].

23. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].

24. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen as been removed. [W/S 7/26/06].

25. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12/7/05].

26. **S-2453, Petition of Academy Child Development** (child day care facility). Letter to the Board from Marilyn Fleetwood, President, requesting an administrative modification. Item deferred for additional information and what will be the impact of peak travel time. [W/S 5-31-06].

27. **S-2459, Petition of Hampshire Village Associates** (life care facility). Inspection reports from Barbara Piczak, Inspector, DPS, regarding the special exception's Community Council and its parking. Board will receive an additional inspection report after the compliance deadline. [W/S 6/28/06].

28. **S-2527, S2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Letter of complaint from Robert A. Thomassen, Diane M. Hogan, John and Stephanie Egly, and Sugarloaf Citizens Association by Jane Hunter with a request that the Board convene a revocation hearing. Also included are letters from Erica Leatham, Esquire, requesting that the Board defer this request until its next Worksession. (1) Re-opened the record to include letters dated 4/21/06, 5/1/06, 5/5/06, 5/9/06, (2) request inspection by the Department of Permitting Services (DPS) to determine where special exception stands in terms of its implementation. [W/S 5/10/06].

29. **S-2666, Petition of Orlando Martinez and Martha Gaitan** (accessory apartment). Hearing Examiner's Report and Recommendation. Item deferred until receipt of a revised landscape plan. [W/S 6/28/06].

**Board Members**

Allison Ishihara Fultz, Chair  
Donna L. Barron, Vice Chair  
Wendell M. Holloway  
Caryn L. Hines  
Catherine G. Titus

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
Hermene Jones, Administrative Specialist

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

**[www.montgomerycountymd.gov/mc/council/board.html](http://www.montgomerycountymd.gov/mc/council/board.html)**

**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, October 25, 2006, 9:30 a.m.**

**ACTION ITEMS:**

1. **A-6157, Appeal of Soraya Karmand** (Historic Preservation Commission – Decision dated May 24, 2006). Letter to the Board requesting the issuance of a subpoena from John Moody, Esquire.

Action: Staff to contact Fire Inspector regarding attending the public hearing, consensus.

**Board Members**

Allison Ishihara Fultz, Chair  
Donna L. Barron, Vice Chair  
Wendell M. Holloway  
Caryn L. Hines  
Catherine G. Titus

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
Hermene Jones, Administrative Specialist